

STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0105007; AI 30439; PER20040001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The permitting authority for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** AMID Landfill, L.L.C.
AMID Landfill
817 Hickory Ave.
Harahan, LA 70123

- II. **PREPARED BY:** Eura DeHart

DATE PREPARED: June 10, 2009

- III. **PERMIT ACTION:** reissue LPDES permit LA0105007, AI 30439; PER20040001

 LPDES application received: January 13, 2004

 EPA has not retained enforcement authority.

 LPDES permit issued: June 14, 1999
 LPDES permit expired: June 30, 2004

- IV. **FACILITY INFORMATION:**
 - A. The application is for the discharge of stormwater from the AMID Landfill, a construction/demolition debris landfill. The facility is no longer receiving waste for disposal in the landfill. The landfill has interim cover. Concrete crushing activities is being conducted on the portion of the site located on the southern side of Almonaster Avenue.

 - B. The facility is located at 11000 Almonaster Avenue in New Orleans, Orleans Parish.

 - C. Outfall 001

 Discharge Location: Latitude 30° 00' 37.8" North
 Longitude 89° 37' 35.3" West

 Description: stormwater from concrete crushing activities

 Expected Flow: Varies with rainfall

Outfall 002

 Discharge Location: Latitude 30° 00' 38.6" North
 Longitude 89° 57' 27.7" West

 Description: stormwater from concrete crushing activities

 Expected Flow: Varies with rainfall

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Outfall 003

Discharge Location: Latitude 30° 00' 38.9" North
Longitude 89° 57' 35" West

Description: non-contact stormwater from the northern landfill area (western ditch)

Expected Flow: Varies with rainfall

Outfall 004

Discharge Location: Latitude 30° 00' 39.5" North
Longitude 89° 57' 26.9" West

Description: non-contact stormwater from the northern landfill area (eastern ditch)

Expected Flow: Varies with rainfall

V. RECEIVING WATERS:

The discharge is by open ditch into the Almonaster Avenue roadside ditch, thence into Grant Canal, thence into the Gulf Intracoastal Waterway in subsegment 041601 of the Lake Pontchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 041601 of the Lake Pontchartrain Basin are as indicated in the table below^{1/}:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Full	Full	Full	N/A	N/A	Not supported	N/A

^{1/}The designated uses and degree of support for Segment 041601 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

Subsegment 041601, Intracoastal Waterway – Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine) is on the 2006 Integrated 303(d) List of Impaired Waterbodies. The suspected cause of impairment is pathogen indicators. To date no TMDLs have been completed for this waterbody. Until completion of the TMDLs for the Lake Pontchartrain Basin, suspected caused of impairment which are not directly attributed to construction and demolition debris landfills have been eliminated in the formulation of effluent limitations and other requirements of this permit. The facility is not expected to contribute to the pathogen indicators impairment.

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VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 041601 of the Lake Pontchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Mr. Eura DeHart
Water Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

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IX. PROPOSED PERMIT LIMITS:

The limitations for the permit are based on effluent parameters found in the LPDES Construction/Demolition Debris and Woodwaste Landfills General Permit (LAG780000) and the LPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities (LAR050000).

Final Effluent Limits:

OUTFALL 001, stormwater runoff from the southern landfill area / concrete crushing area (western ditch)

OUTFALL 002, stormwater runoff from the southern landfill area / concrete crushing area (eastern ditch)

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg.	Daily Max	Basis
TSS ¹	---	Report mg/l	BPJ based on the Multi-Sector General Permit, Sector J. (May, 2006)
TOC	---	50 mg/l	BPJ based on the Multi-Sector General Permit, Sector J. (May, 2006)
Oil and Grease	---	15 mg/l	BPJ based on the Multi-Sector General Permit, Sector J. (May, 2006)
Iron, Total Recoverable	---	1.0 mg/l	BPJ based on the Construction/Demolition Debris and Woodwaste Landfill General Permit (October 2007) and site visit

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD₅ and TSS in terms of concentration.

¹ For TSS, a daily maximum concentration of 100 mg/l will be used as a benchmark level (not a limitation) for stormwater pollution prevention practices to be either initiated or modified by the facility.

Other Effluent Limitations:**1) pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time in accordance with LAC 33:IX.5905.C.

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

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OUTFALL 003, stormwater runoff from the northern landfill area (western ditch)
OUTFALL 004, stormwater runoff from the northern landfill area (eastern ditch)

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
TSS	---	100 mg/l	BPJ based on the Construction/Demolition Debris and Woodwaste Landfill General Permit (October 2007)
TOC	---	50 mg/l	BPJ based on the Construction/Demolition Debris and Woodwaste Landfill General Permit (October 2007)
Oil and Grease	---	15 mg/l	BPJ based on the Construction/Demolition Debris and Woodwaste Landfill General Permit (October 2007)
Iron, Total Recoverable	---	1.0 mg/l	BPJ based on the Construction/Demolition Debris and Woodwaste Landfill General Permit (October 2007)

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

Other Effluent Limitations:**1) pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.)

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

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X. PREVIOUS PERMIT:

LPDES Permit No. LA0105007: Issued: June 14, 1999
Expired: June 30, 1999

Outfalls 001, 002, 003 and 004:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	Report	1/month	Estimate
TOC	---	50 mg/l	1/month	Grab
Oil & Grease	---	15 mg/l	1/month	Grab
Visible Sheen	---	No Presence	1/day	Grab
Chromium, Total	---	Report	1/6 months	Grab
Lead, Total	---	Report	1/6 months	Grab
Mercury, Total	---	Report	1/6 months	Grab
Copper, Total	---	Report	1/6 months	Grab
Zinc, Total	---	Report	1/6 months	Grab
pH	6.0 (min)	9.0 (max)	1/month	Grab

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:**A) Inspections**

A review of the files indicates the most recent inspection of the facility was performed on April 12, 2007. The following was noted:

- Approximately 5 loads of wood waste is located on site.
- Several loads of non-C&D municipal waste is located on site.
- One truckload of shingles is on site.
- Waste dumped is not covered.
- Cap includes a vegetative cover; Cap was bare in some spots.
- Site has 2 vent pipes for gas: one pipe is 20 ft. and one is 10 ft.; 10 ft. pipe is broken (should be 20 ft.)

B) Compliance and/or Administrative Orders

A Consolidated Compliance Order & Notice of Potential Penalty (Enforcement Tracking No. SE-CN-07-0201) was issued on September 17, 2007.

The Compliance Order was issued based on the findings noted in the site inspection of April 12, 2007.

C) DMR Review

There are no recent DMRs on file for this facility.

XII. ADDITIONAL INFORMATION:

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

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This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

The requirements of Part II, Section B apply to stormwater discharges associated with industrial activity as defined in LAC 33:IX.2511.B.14.i. Therefore, the AMID Landfill Facility will be required to develop a Stormwater Pollution Prevention Plan to be effective six months from the effective date of the permit.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** for this facility is as stated in the draft permit.

XIII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations,

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Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, AMID Landfill, L.L.C., AMID Landfill, January 13, 2004.